

REMARKS/ARGUMENTS

Claims 8, 9 and 12 are pending. By this Amendment, claim 8 is amended. Support for the amendments to claim 8 can be found, for example, in the present specification at paragraph [0017], and in previously presented claim 8. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 8, 9 and 12 under the written description requirement of 35 U.S.C. §112, first paragraph. Although Applicants do not necessarily agree with the rejection and reserve the right to pursue broader subject matter in subsequent applications, by this Amendment, claim 8 is amended to obviate the rejection. Claims 9 and 12 are rejected solely for their dependency from claim 8. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 8, 9 and 12 under 35 U.S.C. §103(a) over U.S. Patent No. 4,877,840 to Chu ("Chu") in view of U.S. Patent Application Publication No. US 2003/0069320 to Minami et al. ("Minami"). Applicants respectfully traverse the rejection.

Claim 8 recites "[a] method for granulating a flexible polyolefin resin, comprising: melting a resin composition comprising a flexible polyolefin resin obtained by polymerizing an  $\alpha$ -olefin with 3 to 20 carbon atoms using a metallocene catalyst; and melt-kneading the resin composition while cooling the resin to a temperature of the melting point ( $T_m$ -D) of the resin or less; wherein: the flexible polyolefin resin comprises: a homopolymer of an  $\alpha$ -olefin selected from the group consisting of propylene, 1-butene, 1-hexene, 1-octene, 1-decene, 1-

dodecene, 1-tetradecene, 1-hexadecene, 1-octadecene and 1-eicosene; a copolymer of two or more  $\alpha$ -olefins selected from the group consisting of propylene, 1-butene, 1-hexene, 1-octene, 1-decene, 1-dodecene, 1-tetradecene, 1-hexadecene, 1-octadecene and 1-eicosene; or a copolymer of ethylene and one or more  $\alpha$ -olefins selected from the group consisting of propylene, 1-butene, 1-hexene, 1-octene, 1-decene, 1-dodecene, 1-tetradecene, 1-hexadecene, 1-octadecene and 1-eicosene; and the flexible polyolefin resin satisfies the following (1) to (3): (1) the flexible polyolefin resin is a crystalline resin with a melting point ( $T_m$ -D) from 20 to 120°C; (2) a crystallization time of the flexible polyolefin resin is 3 minutes or more; and (3) a PP isotacticity [mm] of the flexible polyolefin resin is 50 to 90 mol%." Chu and Minami do not disclose or suggest such a method.

Chu discloses a process of producing a polyolefin concentrate including a modifying agent. *See, e.g., Chu*, Abstract. In one embodiment of Chu, crumbled particulate polyethylene and polyisobutylene (as a modifying agent) were extruded through a die to obtain pellets that were apparently free of surface tackiness. *See Chu*, column 6, lines 7 to 38. However, Chu does not disclose or suggest a method in which a polyolefin resin polymerized with a metallocene catalyst is processed to obtained granules. Also, Chu does not disclose or suggest a method in which a polyolefin that is processed to obtain granules is: (1) a crystalline resin with a melting point ( $T_m$ -D) from 20 to 120°C; (2) a resin having a crystallization time of 3 minutes or more; and (3) a resin having a PP isotacticity [mm] of 50 to 90 mol%. Further, Chu does not disclose that selecting such a resin and granulating such a resin in the manner specified in claim 8 results in granules having no tackiness. *See present specification*, paragraph [0006].

Minami discloses a 1-butene-based resin that is obtained by polymerizing with a metallocene catalyst. *See, e.g., Minami*, paragraph [0202]. The resin may have properties making it suitable for granulation by the method of claim 8. *See Minami*, paragraph [0608];

TABLE 3. However, Minami does not disclose the particular melt kneading step (i.e., melt kneading while cooling) of claim 8. In addition, there is nothing in Minami that would suggest that selecting, e.g., the resin in Example 14 of Minami, and subjecting such resin to the melt kneading step of claim 8 would provide any particular benefit, much less that granules having no tackiness would result.

That is, Minami merely discloses resins that may have the properties of the resin used as a raw material in claim 8. It is only by relying on the disclosure of the present application that a skilled artisan would be led to employ a resin as in Minami in a method as in Chu. The Board of Patent Appeals and Interferences has stated "[t]he *KSR* Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some 'apparent reason to combine the known elements in the fashion claimed.'" *Ex parte Whalen*, 89 USPQ2d 1078, 1084 (Bd. Pat. App. & Int. 2008). The Office Action fails to articulate an apparent reason why a skilled artisan would have selected a resin as in Minami for use in a method as in Chu. Only through Applicants' efforts did such reason become apparent.

As mentioned above, selecting a resin as recited in claim 8, and granulating such resin in the manner specified in claim 8 results in granules having no tackiness. *See* present specification, paragraph [0006]. Minami and Chu fail to disclose or suggest making the combination of features recited in claim 8, or the benefits stemming therefrom.

As explained, claim 8 would not have been rendered obvious by Chu and Minami. Claims 9 and 12 depend from claim 8 and, thus, also would not have been rendered obvious by Chu and Minami. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

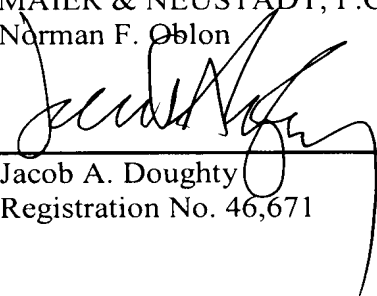
Conclusion

For the foregoing reasons, Applicants submit that claims 8, 9 and 12 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



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Jacob A. Doughty  
Registration No. 46,671

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)